THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.18208 of 2007

Between:

Vanumu Adinarayana and another. … Petitioners

and

The District Collector and
Magistrate,
Visakhapatnam and two others. … Respondents

ORDER:

It is the case of the petitioners that each of the petitioners owns the land to an extent of Ac.0-54½ cents in Sy.No.81/C co-related to Sy.No.38 of Nerellavalasa village, Nadigattu Panchayat, Bheemunipatnam Mandal, Visakhapatnam District, having succeeded the same from their ancestors. On 07-08-1988, when the 3rd respondent tried to evict the family of the petitioners from the land in question, both the fathers of the petitioners filed a suit O.S.No.132 of 1988 on the file of District Munsif, Beheemunipatnam, for declaration of title and injunction restraining the defendants therein from interfering with the peaceful possession and enjoyment of the land in question. The said suit was decreed on 28-08-1996. Aggrieved by the same, the respondents preferred A.S.No.215 of 1998 on the file of VII Additional District Judge (Fast Track Court), Visakhapatnam. The said appeal was dismissed on 18-01-2005 and the respondents have not filed any Second Appeal against the said order. As the said judgment has become final, the petitioners made a representation before the 3rd respondent on 18-08-2006 in the prescribed format for mutation of their names in the revenue records. But, the said representation has not been considered and disposed of so far.

On the other hand, learned Government Pleader appearing for the respondents submits that the land in question is a poramboke land and they are contemplating to file Second Appeal and, therefore, the said representation has not been considered and disposed of.

Admittedly, the judgment in A.S.No.215 of 1998 was passed on 18-01-2005 and nearly 2½ years have been elapsed and so far no appeal has been filed. Therefore, I am of the opinion that there cannot be any justification on the part of the respondents in keeping the representation, dated 18-08-2006, pending without considering on the ground that they are contemplating to file Second Appeal.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation, dated 18-08-2006, in accordance with law, as expeditiously as possible, within a period of eight (08) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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05-09-2007

Prv